IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R. VARMA

AND

THE HON'BLE MR. JUSTICE P.SWAROOP REDDY

WRIT PETITION Nos. 14806 & 14864 OF 2006

Dated: 3rd August, 2006

Between:

Smt. Koduru Dhanalakshmi and another

Petitioners

AND

The Station House Officer,
Sangam Police Station,
Nellore District and others

Respondents

COMMON ORDER:
(*Per the Hon'ble Sri Justice P.Swaroop Reddy)*

The writ petition No. 14806 of 2006 is taken up on

the basis of the telegram dated 15.7.2006 issued by one Smt. Koduru Dhanalakshmi alleging that her husband K.Ramesh Babu, was taken away by Sangam Police, on 14.7.2006 at 10.00 a.m. while writ petition No.14864 of 2006 was taken up on the basis of a telegram dated 15.7.2006 issued by one Smt. U. Pavani, alleging that her husband U.Surender was forcibly taken away by the Sangam Police and apprehending danger to their lives, harassment and third degree methods, they sought direction to the respondents to release the alleged detenus.

On notice being issued by this court, the Sub-Inspector of Police, Sangam Police Station, filed common counter affidavit stating that the alleged detenus are not involved in any offences, as such, they never detained them. It is further averred that on receipt of communication from the Advocate General's Office, he caused enquiries about the alleged detenus, which revealed that they are attending to their business activities at their respective places i.e. Ramesh Eectronic and Surendra Electronic, Dharma Kata, respectively at Korada Street, Nellore. It is also averred that he requested the Mandal Revenue Officer, Nellore to cause enquiries and issue certificate. The Mandal Revenue Officer, Nellore caused enquiries and issued certificate to the effect that the alleged detenus are available at their respective shops at Korada Street,

Nellore and they are the residents of Nellore. He also enclosed proceedings of the Mandal Revenue Officer, Nellore.

As the allegations of the petitioners with regard to the alleged detenus, in both the writ petitions, are false and in view of the revelations made in the common counter affidavit, filed by the Sub-Inspector of Police, that the alleged detenus were not apprehended and they are attending to their businesses at their respective places, nothing remains in the writ petitions. Consequently, the writ petitions are dismissed. No order as to costs.

Before parting with this order, we put on record our displeasure and anguish, the way in which the investigation had been conducted, as we have noticed, the police requisitioned Mandal Revenue Officer to conduct enquiry about the availability of the alleged detenus and the Mandal Revenue Officer instead of doing the same by himself delegated that power to his subordinate i.e. Mandal Revenue Inspector, who recorded the statement. In our considered view, the said practice is not only unhealthy but also involves risk, since things may not go well always, if this sort of practice is adopted. Therefore, it is obligatory on the part of the police to take such steps, which would eliminate the possibility of any foul play being played by any individual. In future, in these type of cases, the alleged detenus must be produced

before the Mandal Revenue Officer, who shall examine, record their statements and their photographs shall be affixed to their statement and the same be attested by him (Mandal Revenue Officer), which would, to a great extent, eliminate possibility of any dispute with regard to identity and availability of the detenus.

D.S.R. Varma, J.

P.Swaroop Reddy, J.

August 3, 2006
MAS.